

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

BRET R.,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0525

MARTIN J. O'MALLEY,  
Commissioner of the Social Security Administration,<sup>1</sup>

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Claimant's request to reverse the Commissioner's decision (ECF No. 13), grant the Commissioner's request to affirm his decision (ECF No. 14), affirm the final decision of the Commissioner, and dismiss this action from the Court's docket. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Claimant's request to reverse the Commissioner's decision (ECF No. 13), **GRANTS** the Commissioner's request to affirm his decision (ECF No. 14),

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<sup>1</sup>Commissioner O'Malley was sworn in on December 20, 2023, replacing Acting Commissioner Kilolo Kijakazi. Per Fed. R. Civ. P. 25(d), O'Malley was automatically substituted as Defendant in this action..

**AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 15, 2024



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE